

REMARKS/ARGUMENTS

Claims 1, 2 and 6 are pending in this applicant. Claim 1 has been amended herein in order to more effectively define applicants' invention by further distinguishing said invention over the prior art. No new matter is added due to the amendments to claim 1. Entry of this Amendment into the file of the present invention is respectfully requested since it is believed such entry will place the entire application in condition for allowance or, at a minimum, will significantly reduce the issues for an appeal. Following such entry, claims 1, 2 and 6 will remain pending in the application.

Rejection Under 35 U.S.C. §112

Claims 1, 2 and 6 are rejected under 35 U.S.C. 112, second paragraph. Claim 1 has, therefore, been amended in a manner which, as described below, is believed to overcome the grounds for rejection under §112. Thus, the Examiner is respectfully requested to reconsider and withdraw the rejection.

According to the Office Action at p. 2, in claim 1 the phrase, "such as" renders the claim indefinite. In response, applicants have amended claim 1 to delete the language "such as soy flour". This amendment is believed to overcome the Examiner's ground for rejection.

The Office Action states further that the phrases, "the tendency" and "the ability" lack proper antecedent basis. In response, applicants have further amended claim 1 to change the objected-to language to read as, "a tendency" and "an ability". These amendments are believed to also overcome this further ground for rejection.

Rejection Under 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Japanese Patent Specification No. 60-28467. The Office Action states that the reference teaches, in the abstract, a non-toxic anti-fouling paint for sea-going ships comprising powdered egg whites dispersed into a liquid paint. In light of the remarks set forth below the Examiner's §102(b) rejection is respectfully traversed.

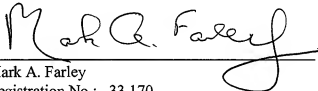
Pursuant to the rejection noted above, applicants have amended claim 1 to delete the recitation of "egg powder". This amendment is believed to overcome the rejection under §102, which should, therefore, be withdrawn. Furthermore, applicants respectfully submit that, in addition to being novel, the invention as now recited in, e.g., claim 1, is also not obvious over the newly cited prior art. That is, there is no teaching or even a suggestion to be found within Publication No. 60-28467 to include within the paint described therein any other than powdered egg whites, and particularly not any of the biologically active substances now recited, for example, in applicants' claim 1.

Withdrawal of the rejection under §102 with an allowance of all of the presently pending claims is thus respectfully solicited.

If the Examiner, however, feels that an interview would advance the prosecution of this application, he is invited to telephone applicants' representative at the number above so that such an interview may be arranged.

Respectfully submitted,

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